



# United States Department of the Interior

OFFICE OF SURFACE MINING  
Reclamation and Enforcement  
Western Region Office  
1999 Broadway, Suite 3320  
Denver, CO 80202-3050



CERTIFIED MAIL – RETURN RECEIPT REQUESTED

January 21, 2016

Kyle Wendtland  
Administrator, Land Quality Division  
Wyoming Department of Environmental Quality (WYDEQ)  
200 West 17<sup>th</sup> Street  
Cheyenne, WY 82002

Dear Mr. Wendtland:

Enclosed are two Ten-Day Notices (TDN's) we have prepared about the ongoing situation regarding the self-bonding of Alpha Natural Resources, Inc. and Alpha Coal West, Inc. (hereinafter referred to as Alpha) mines in Wyoming.

The Office of Surface Mining Reclamation and Enforcement (OSMRE) has been in contact with WYDEQ since your office ordered Alpha to obtain a replacement bond of approximately \$411 million on May 26, 2015, for the Belle Ayr Mine (Self-Bond No. SBC 128 for Permit No. 214) and the Eagle Butte Mine (Self-Bond No. SBC 131 for Permit No. 428). Several significant events occurred after WYDEQ issued the bond replacement order. Alpha challenged WYDEQ's findings in State District Court and shortly thereafter filed for Chapter 11 bankruptcy protection in Federal Bankruptcy Court. WYDEQ and Alpha entered into a voluntary agreement (hereinafter referred to as Stipulation) under which WYDEQ would gain a \$61 million "Superpriority" claim in case of liquidation in exchange for WYDEQ's promise to stay any enforcement action regarding self-bonding until reorganization of Alpha's debts could be finalized. The Bankruptcy Court approved the Stipulation and WYDEQ and Alpha filed a joint notice of the Stipulation with the State Court. OSMRE has filed a notice with the Court reserving its right to engage in regulatory enforcement. Both the Belle Ayr and Eagle Butte mines remain operational and no replacement bonds have been obtained.

Given the information above and that provided in the enclosed narrative, the fact that Alpha has not filed a replacement bond or collateral of any sort, and the fact that Alpha continues to extract coal, OSMRE has reason to believe a violation of the Wyoming Approved State program may exist. Specifically, OSMRE has reason to believe Alpha coal may be in violation of Wyoming

Land Quality Division Coal Rules and Regulations found at Chapter 12, Section 2 (b) (Bonding and Insurance Procedures) because it may have allowed the bond amount to fall below the amount necessary to assure that the operator will faithfully perform all requirements of the Wyoming Environmental Quality Act and will comply with all rules and regulations and any provisions of the approved permit.

Please respond as directed in 30 CFR 842.11 within ten business days by taking appropriate action to cause the possible violation to be corrected or to show good cause for such failure. Appropriate action and good cause are explained in 30 CFR 842.11(b)(3) and (4). Good cause includes showing that the possible violation does not exist under the approved State program. This TDN does not constitute a written determination under 30 CFR 842.11(b)(1)(ii)(B)(I) of whether the standards for appropriate action or good cause have been met, and does not constitute a notice of violation or cessation order under 30 CFR Part 843. After WYDEQ's response, OSMRE will issue its written determination and, if necessary, will issue any necessary order to correct the violation, if found.

If you have any questions or require additional time to respond, please contact me at (307) 261-6550.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a horizontal line extending to the right.

Jeffrey Fleischman, Chief  
Denver Field Division

Enclosures:

As a result of the information below, the Office of Surface Mining Reclamation and Enforcement (OSMRE) has reason to believe that the Wyoming Department of Environmental Quality-Land Quality Division (WYDEQ) may have allowed Alpha Natural Resources, Inc. and Alpha Coal West, Inc. (collectively, Alpha), to operate in violation of the Wyoming Approved State Program. Therefore, pursuant to 30 U.S.C. § 1271(a) and 30 C.F.R. § 842.11(b)(1)(ii)(B)(I), OSMRE is issuing the following Ten Day Notices (TDN's):

TDN #X16-010-549-008 – Permit # 214-T7 (Belle Ayr Mine)

TDN #X16-010-549-008 – Permit # 428-T6 (Eagle Butte Mine)

The Federal regulation at 30 C.F.R. § 842.11 provides that absent an imminent danger or harm scenario, OSMRE must issue a TDN to a Regulatory Authority (RA) when it has reason to believe a violation exists or when, on the basis of a Federal inspection, it determines that a violation exists (and OSMRE has not issued a previous TDN for the same violation). These TDN's are not based on Federal inspections, and OSMRE has not yet determined that a violation exists. However, on the basis of the information summarized below, OSMRE has reason to believe that WYDEQ may be allowing Alpha to operate in violation of the Wyoming Environmental Quality Act (Wyoming Act) and WYDEQ Coal Rules and Regulations by allowing the reclamation bond amount for Alpha's Wyoming surface mining operations to fall below the amount necessary to assure that the operator will faithfully perform all requirements of the Wyoming Act and comply with all rules and regulations and any provisions of the approved permit.

In accordance with the Wyoming Act and WYDEQ Rules and Regulations for Coal, surface mine operators may "self-bond" to cover the costs of reclaiming mine sites if the requisite criteria are satisfied. *See* Wyo. Stat. § 35-11-417(d); Wyo. Admin. Code § ENV LQC Ch. 11 § 2(a)(vii)(A)-(C). Since 2010, Alpha has self-bonded its operations in Wyoming at the Eagle Butte Mine (Permit #428-T6) and the Belle Ayr Mine (Permit #214-T8). Alpha self-bonded those operations through, respectively, self-bond agreements SBC 131 and SBC 0128. By two Coal Self-Bond Indemnity Agreements executed concurrently, Alpha Coal West, Inc. agreed to indemnify OSMRE and WYDEQ for its obligations under the self-bond agreements. In turn, Alpha Natural Resources guaranteed Alpha Coal West's obligations under the self-bond agreements by two Coal Self-Bond Corporate Guarantees.

When Alpha first executed the self-bond, indemnity, and cooperate guarantee agreements in March 2010, the bond amount for the Eagle Butte Mine was \$123,375,000.00 and the bond amount for the Belle Ayr Mine was \$123,899,000.00. By October 2014, the bond amount for the Eagle Butte Mine had increased to \$203,006,000.00; and to \$208,258,000.00 for the Belle Ayr Mine. Those amounts, totaling over \$411 million, represented the amount necessary to meet all requirements of the Wyoming Act and to comply with all rules and regulations and any provisions of the approved permit in the event that Alpha could not faithfully do so. *See* Wyo. Stat. § 35-11-417(a).

On April 20, 2015, WYDEQ notified Alpha Natural Resources that the financial information submitted for year end 2014 indicated that the company may not meet the corporate guarantor requirements under the WYDEQ regulations. After allowing a response, WYDEQ determined on

May 26, 2015, that Alpha no longer qualified under the WYDEQ self-bonding program and that Alpha's self-bonds failed to provide the protection consistent with the objectives and purposes of the Wyoming Act and WYDEQ Rules and Regulations for Coal. Accordingly, WYDEQ determined that, among other matters, Alpha's right to self-bond would terminate by August 24, 2015, and that Alpha was required by that date to post a reclamation bond or substitute collateral of approximately \$411 million<sup>1</sup> in order to be allowed to continue its surface coal mining operations in Wyoming.

Alpha did not post a reclamation bond or substitute collateral by the August 24, 2015 deadline. Instead, Alpha challenged the WYDEQ's substitution demand administratively on June 24, 2015, in the Sixth Judicial District Court of Campbell County, Wyoming (Civ. Action No. 35558). On July 24, 2015, the WYDEQ concurred with Alpha's request for a stay of the bond substitution deadline pending further administrative process. On July 29, 2015, the Wyoming Court granted that request and imposed a stay until the conclusion of an informal review process by the WYDEQ.

WYDEQ did not conduct the final informal review process that formed the basis of the State District Court's stay. On August 3, 2015, Alpha and certain affiliates filed voluntary petitions for relief under Chapter 11 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Eastern District of Virginia (jointly administered in Case No. 15-33896). On September 29, 2015, Alpha moved the Bankruptcy Court to enter an order approving a "Stipulation and Order Concerning Debtor's Reclamation Bonding of Their Surface Coal Mining Operations in Wyoming" (Stipulation).

Under the Stipulation, WYDEQ agreed that Alpha could "satisfy the bonding requirements for their reclamation obligations without complying with the Wyoming Substitution Demand." Stipulation ¶ 1. WYDEQ agreed it would "not seek additional collateral or revoke, terminate, refuse to grant or amend or take any other adverse action with respect to the [Alpha's] mining permits or licenses on account of [Alpha's] failure to comply with the Wyoming Substitution Demand or reclamation bonding obligations." *Id.* ¶ 2. WYDEQ further agreed to "not seek to enforce the Indemnity Agreements or Guarantees or seek to revoke, terminate, refuse to grant or amend or take any other adverse action with respect to the Debtors' mining permits or licenses on account of the Debtors' non-payment of obligations under the Indemnity Agreements or Guarantees." *Id.* Further, WYDEQ agreed that "any proceedings relating to the Wyoming Substitution Demand or the [Alpha's] self-bonding status, including the informal review process of WYDEQ, shall be stayed." *Id.*

Thus, the Stipulation allows for Alpha to continue coal extraction activities at its Wyoming mines for a "Compliance Plan Period"<sup>2</sup> without posting alternative bonds in the full amount of

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<sup>1</sup> On June 15, 2015, WYDEQ set the bond amount for the Eagle Butte Mine at \$191,370,000.00; for the Belle Ayr Mine at \$218,907,000.00.

<sup>2</sup> The "Compliance Plan Period" is defined in the Stipulation as the earlier of the date that: (a) the

the estimated \$411 million of bond liability. Instead, the WYDEQ would receive only a superpriority status claim of \$61 million over and above administrative expenses, from a "Bonding Carve-Out" provided by the debtor in possession credit agreement entered August 6, 2015. See Stipulation ¶ 1.

In response to Alpha's motion, OMSRE filed a notice with the Bankruptcy Court reserving, among other matters, its rights to regulatory enforcement. The Bankruptcy Court approved Alpha's motion and the stipulation by order of October 8, 2015. Alpha and WYDEQ subsequently filed a Joint Notice of Bankruptcy Stay with State District Court.

In light of the information summarized above, OSMRE has reason to believe that a violation of the approved state program may exist because WYDEQ may be allowing Alpha to operate in violation of the Wyoming Act and WYDEQ Coal Rules and Regulations, Chapter 12, Section 2(b) (Bonding and Insurance Procedures) by allowing the bond amount to fall below the amount necessary to assure that the operator will faithfully perform all requirements of the Wyoming Act and will comply with all rules and regulations and any provisions of the approved permit.

The Wyoming Act's reclamation bonding provisions requirements include:

(a) The purpose of any bond required to be filed with the administrator by the operator shall be to assure that the operator shall faithfully perform all requirements of this act and comply with all rules and regulations of the board made in accordance with the provisions of this act.

\* \* \* \*

(c) The amount of any bond to be filed with the administrator prior to commencing any mining shall be:

\* \* \* \*

(ii) For renewal bonds the amount equal to the estimated cost of reclaiming the land to be disturbed during that renewal period, and the estimated cost of completing reclamation of unreleased lands and groundwater disturbed during prior periods of time. The estimated cost shall be based on the operator's cost estimate, which shall include any changes in the actual or estimated cost of reclamation of unreleased affected lands, plus the administrator's estimate of the additional cost to the state of bringing in personnel and equipment should the operator fail or the site be abandoned. In no event shall the bond be less than ten thousand dollars (\$10,000.00), except for sand and gravel, pumice, scoria or jade mining or any mine, except surface coal mines, the affected land of which, excluding roads, is ten (10) acres or less, in which case the bond amount shall be

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superpriority claim is terminated pursuant to the Stipulation; (b) Alpha's Chapter 11 cases are converted to cases under Chapter 7 of the Bankruptcy Code; (c) the lenders under the Credit Agreement exercise remedies against the Term Facility Collateral; or (d) January 31, 2017.

set by the administrator with approval of the director to cover the cost of reclamation, and in no event less than two hundred dollars (\$200.00) per acre, for affected land.

Wyo. Stat. § 35-11-417 (Bonding Provisions).

WYDEQ Coal Rules and Regulations implementing the Wyoming Act's bonding provisions specify:

For purposes of determining bond amounts, the estimated cost shall include all costs necessary, expedient or incidental to achieve required rough backfilling and reclamation. This shall reflect the probable difficulty of reclaiming the affected lands, giving consideration, as applicable, to such factors as topography, geology of the site, hydrology and revegetation potential. The estimated cost shall be based on the operator's cost estimate submitted with the permit, plus the Administrator's estimate of the additional cost to the State of bringing in personnel and equipment should the operation fail or the site be abandoned, plus an additional amount covering reclamation cost for any land which may reasonably be expected to be affected, as determined by the Administrator's assessment of the applicant's mine plan, prior to filing the renewal bond. *All bonds shall be calculated on, and never fall below, the amount necessary to assure that the operator shall faithfully perform all requirements of the [Wyoming] Act to comply with all rules and regulations and any provisions of the approved permit.*

Wyo. Admin. Code § ENV LQC Ch. 12 § 2(b) (Bonding and Insurance Procedures) (emphasis added).

As noted, on June 15, 2015, WYDEQ determined in accordance with the Wyoming Act, Section 35-11-411(d),<sup>3</sup> that the bond for the Eagle Butte Mine (Permit #428-T6) be set at \$191,370,000.00; and the bond for the Belle Ayr Mine (Permit #214-T8) be set at \$218,907,000.00. These two amounts, totaling \$410,277,000.00, represent the amount necessary to perform all requirements of the Wyoming Act and to comply with all rules and regulations and any provisions of the approved permit in the event that Alpha could not faithfully do so.

In May 2015, WYDEQ determined that Alpha no longer qualified under the WYDEQ self-bonding program and that Alpha's self-bonds failed to provide the protection consistent with the objectives and purposes of the Approved State Program. Accordingly, WYDEQ issued a demand to Alpha that, among other matters, it post reclamation bonds or substitute collateral of approximately \$411 million by August 24, 2015, to be allowed to continue its surface coal mining operations in Wyoming. Based on available information, OSMRE understands that the facts supporting WDEQ's determination of Alpha's ineligibility under the WDEQ's self-bonding program have not changed.

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<sup>3</sup> Based on an inspection reports, an annual report of proposed mining and reclamation progress, and other required materials, the WYDEQ shall determine the size of the bond to be posted for the purpose of insuring reclamation of the lands affected during the ensuing year.

Based on the information detailed above, OSMRE also understands that Alpha, with WDEQ's assent, has still not posted reclamation bonds or any collateral acceptable under the Wyoming Act and WDEQ Regulations and Rules for the Eagle Butte and Belle Ayr Mines. Yet, Alpha continues coal extraction activities at the mines. Therefore, OSMRE has reason to believe that WYDEQ may be allowing Alpha to operate in violation of the Wyoming Act, Section 35-11-417 (Bonding Provisions), and WYDEQ Coal Rules and Regulation, Chapter 12, Section 2(b) (Bonding and Insurance Procedures).

Therefore, OSMRE is issuing the following TDN's:

TDN #X16-010-549-008 – Permit # 214-T7 (Belle Ayr Mine)

TDN #X16-010-549-008 – Permit # 428-T6 (Eagle Butte Mine)

WYDEQ may respond to these notices as directed in 30 CFR 842.11 within ten business days by taking appropriate action to cause the possible violation to be corrected, or to show good cause for such failure. Appropriate action and good cause are defined 30 CFR 842.11(b)(3) and (4). Good cause includes showing that the possible violation does not exist under the approved State program. These TDN's do not constitute written determinations under 30 CFR 842.11(b)(1)(ii)(B)(I) of whether the standards for appropriate action or good cause have been met, and do not constitute notices of violation or cessation orders under 30 CFR Part 843. After WYDEQ's response, OSMRE will issue its written determination and, if necessary, will issue any necessary order to correct the violation, if found.



U.S. DEPT. OF THE INTERIOR  
OFFICE OF SURFACE MINING  
Mine Site Evaluation  
State Program



|   |  |  |  |   |  |
|---|--|--|--|---|--|
| <b>1. Permittee/Person</b><br>ALPHA COAL WEST INC   |  | <b>9. Permit Number</b><br>214-T7  |  | <b>10. Permit Type</b><br>PP  |  |
| <b>2. Address</b><br>PO BOX 3039  |  | <b>11. Field Visit Date</b><br>1/21/2016   |  | <b>12. Purpose</b><br>FT  |  |
| <b>3. City</b><br>GILLETTE  |  | <b>13. SRA Present</b><br>N  |  | <b>14. Permit Status</b><br>A   |  |
| <b>4. State</b><br>WY   |  | <b>15. Site Status</b><br>AP   |  | <b>16. Facility Type</b><br>ADFG  |  |
| <b>5. Zip Code</b><br>827173039   |  | <b>17. OSM Office #</b><br>010   |  | <b>18. CCID #</b><br>SF   |  |
| <b>6. Phone Number</b><br>(307) 687-3400  |  | <b>19. Land Code</b><br>SF   |  | <b>20. M.S.H.A. ID #</b><br>48-00732  |  |
| <b>7. Operator Name, if Different than Permittee</b><br>ALPHA COAL WEST INC   |  | <b>21. State Abbrev.</b><br>WY   |  | <b>22. County/Burrough</b><br>CAMPBELL  |  |
| <b>8. Mine Name</b><br>BELLE AYR MINE   |  | <b>23. AVS Permittee Entity ID Number</b><br>249464  |  | <b>24. State Office</b><br>   |  |
| <b>25. Hours</b><br>1.0<br>0.0<br>0.0<br>2.0<br>a. Permit Review<br>b. Site Visit Time<br>c. Travel Time<br>d. Report Writing   |  | <b>26. Signature Block</b><br><br>Signature:<br>Frank Bartlett, ID#549<br>Printed Name:<br>Date: 1/21/2016 |  | <b>27. Reviewing Official:</b><br><br>Signature:<br>Review Date: 1-21-2016<br>mm - dd - yyyy<br>Is Supplemental MSE Page Used Y/N Y |  |
| <b>Permit Type - Item 10</b> IP = Interim Program PP = Permanent Program NP = No Permit   |  |  |  |   |  |
| <b>Purpose Type Codes - Item 12</b><br>Oxx...Oversight<br>Axx...Assistance<br>RFx...Reclamation Fees<br>Fxx...Federal Actions<br>CCR...Citizen Complaint Referral (non-site visit)<br>CC...Citizen Complaint (Initial site visit)<br>CCF...Assistance   |  |  |  |   |  |
| <b>Joint Inspection - Item 13</b> A joint inspection is when a state inspector accompanies an OSM inspector at any time during the review of the mine site  |  |  |  |   |  |
| <b>Permit Status - Item 14</b><br>A Active: Coal mining activities occurring or permitted but not yet disturbed.<br>IN Inactive (Permanent Program Permit): Phase II completed or Temporary Cessation of Operations. (Interim Program Permit): Coal mining completed and reclamation activities initiated.<br>BR Bond Release: Reclamation completed and State Regulatory Authority(RA) has released all of the bond (Phase III Release).<br>AB Abandoned: All surface and underground coal mining activities have ceased and operator has left the site without completing reclamation as defined in 30 CFR 840.11(g).<br>AB1 Bond Forfeiture: Bond forfeiture officially in process or completed and reclamation in progress or not yet commenced.<br>AB2 Partially Reclaimed Forfeiture: Forfeited site where all bonds have been used to reclaim site, but site not reclaimed to Program standards.<br>AB3 Reclaimed Forfeiture: Forfeited site that has been reclaimed to Program standards.<br>NA Not Applicable: When site is unpermitted.   |  |  |  |   |  |
| <b>Site Status - Item 15</b><br>ND No Disturbance: No coal mining and reclamation operations have been started.<br>EX Coal Exploration: Coal exploration operations have started and where coal mining operations have not begun.<br>AP Active Coal Producing: Coal surface mining activities are occurring.<br>AN Active Non-Producing: Active non-producing facility such as tippie or preparation plant.<br>NM No Mining: The Permit Status is active, site is not in Temporary Cessation, no surface coal mining activity, and site not regraded.<br>MC Mining Complete: No mining activity on site, site regraded and awaiting bond release.<br>TC Temporary Cessation: The RA has granted cessation of mining pursuant to 30 CFR 816/817.13(b).<br>P1 Phase I Release: At least Phase I bond release granted for entire permitted area. For interim permits, partial bond release.<br>P2 Phase II Release: At least Phase II bond release for the entire permitted area.<br>P3 Phase III Release: Reclamation completed and the RA has released all bond.<br>NS Non-Site Visit: Status of site not determined.<br>FP Forfeiture Pending: The RA is pursuing actions to revoke the permit, collect the performance bond(s), and/or reclamation of forfeited site is in progress.<br>FR Forfeited and Reclaimed: Forfeiture reclamation completed.<br>FO Abandoned Site: Abandoned site that is permitted but there is no bond.<br>WC Wildcat: Coal mining and reclamation operations have or are taking place and the activity is not covered by the required permits from the RA. |  |  |  |   |  |
| <b>Facility Type Codes - Item 16</b><br>A....Surface<br>B....Underground<br>C....Preparation Plant<br>D....Ancillary (Haulroad, Conveyor, and/or Rails)<br>E....Refuse and/or Impoundment<br>F....Loading Facility and/or Tippie<br>G....Stockpiles<br>H....Exploration Permits<br>I....Notice of Intent to Explore<br>J....Exempt 16 and 2/3<br>K....Government Financed Construction Exemption<br>L....Remining site permitted under 30 CFR 785.25  |  |  |  |   |  |
| <b>Small Business Regulatory Enforcement Fairness Act (SBREFA)</b><br>Your Comments are Important<br>The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you are a small business (a business with 500 or fewer employees including those of affiliates) and wish to comment on the enforcement or compliance activities of OSM, call 1-888-REG-FAIR (1-888-734-3247).   |  |  |  |   |  |



**U.S. DEPT. OF THE INTERIOR  
OFFICE OF SURFACE MINING  
Mine Site Evaluation**

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|--|---|---|------------------------------------|
| Permittee/<br>Person <span style="border: 1px solid black; padding: 2px;">ALPHA COAL WEST INC</span> | Permit<br>Number <span style="border: 1px solid black; padding: 2px;">214-T7</span> | Field Visit<br>Date <span style="border: 1px solid black; padding: 2px;">1/21/2016</span> | State Program<br>Continuation Page |
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## 28. Performance Standard Categories

Codes: 1=Compliance, 2=Noncompliance, 3=Not Planned, 4=Not Started, 5=Noncompliance Identified Elsewhere, 6=Previously Cited, 7=Permit Defect

|  |   |  |
|--|---|--|
| <b>A. Administrative</b><br>1. <input type="checkbox"/> Mining within Valid Permit<br>2. <input type="checkbox"/> Mining within Bonded Area<br>3. <input type="checkbox"/> Terms & Conditions of Permit<br>4. <input type="checkbox"/> Liability Insurance<br>5. <input type="checkbox"/> Ownership and Control<br>6. <input type="checkbox"/> Temporary Cessation<br>7. <input type="checkbox"/> AML Rec. Fees - Non-Respondent<br>8. <input type="checkbox"/> AML Rec. Fees - Failure to Pay<br><br><b>B. Hydrologic Balance</b><br>1. <input type="checkbox"/> Drainage Control<br>2. <input type="checkbox"/> Inspections & Certifications<br>3. <input type="checkbox"/> Siltation Structures<br>4. <input type="checkbox"/> Discharge Structures<br>5. <input type="checkbox"/> Diversions<br>6. <input type="checkbox"/> Effluent Limits<br>7. <input type="checkbox"/> Ground Water Monitoring<br>8. <input type="checkbox"/> Surface Water Monitoring<br>9. <input type="checkbox"/> Drainage - Acid-Toxic Materials<br>10. <input type="checkbox"/> Impoundments<br>11. <input type="checkbox"/> Stream Buffer Zones<br><br><b>C. Topsoil &amp; Subsoil</b><br>1. <input type="checkbox"/> Removal<br>2. <input type="checkbox"/> Substitute Materials<br>3. <input type="checkbox"/> Storage and Protection<br>4. <input type="checkbox"/> Redistribution | <b>D. Backfilling &amp; Grading</b><br>1. <input type="checkbox"/> Exposed Openings<br>2. <input type="checkbox"/> Contemporaneous Reclamation<br>3. <input type="checkbox"/> Approximate Original Contour<br>4. <input type="checkbox"/> Highwall Elimination<br>5. <input type="checkbox"/> Steep Slopes (includes downslope)<br>6. <input type="checkbox"/> Handling of Acid and Toxic Materials<br>7. <input type="checkbox"/> Stabilization (rills and gullies)<br><br><b>E. Excess Spoil Disposal</b><br>1. <input type="checkbox"/> Placement<br>2. <input type="checkbox"/> Drainage Control<br>3. <input type="checkbox"/> Surface Stabilization<br>4. <input type="checkbox"/> Inspections & Certifications<br><br><b>F. Coal Mine Waste (Refuse Piles/Impoundments)</b><br>1. <input type="checkbox"/> Drainage Control<br>2. <input type="checkbox"/> Surface Stabilization<br>3. <input type="checkbox"/> Placement<br>4. <input type="checkbox"/> Inspections & Certifications<br>5. <input type="checkbox"/> Impounding Structures<br><br><b>G. Use of Explosives</b><br>1. <input type="checkbox"/> Blaster Certification<br>2. <input type="checkbox"/> Distance Prohibitions<br>3. <input type="checkbox"/> Blast Survey/Schedule<br>4. <input type="checkbox"/> Warnings & Records<br>5. <input type="checkbox"/> Control of Adverse Effects | <b>H. <input type="checkbox"/> Subsidence Control Plan</b><br><br><b>I. Roads</b><br>1. <input type="checkbox"/> Road Construction<br>2. <input type="checkbox"/> Certification<br>3. <input type="checkbox"/> Drainage<br>4. <input type="checkbox"/> Surfacing and Maintenance<br>5. <input type="checkbox"/> Reclamation<br><br><b>J. Signs &amp; Markers</b><br>1. <input type="checkbox"/> Signs<br>2. <input type="checkbox"/> Markers<br><br><b>K. <input type="checkbox"/> Distance Prohibitions</b><br><br><b>L. <input type="checkbox"/> Revegetation</b><br>1. <input type="checkbox"/> Vegetative Cover<br>2. <input type="checkbox"/> Timing<br><br><b>M. <input type="checkbox"/> Postmining Land Use</b><br><br><b>N. Other</b><br>General Performance Category |
|--|---|--|

| Performance Standard Categories<br>30 CFR Counterparts   |  |
|--|--|
| <b>A. Administrative</b><br>1. Valid Permit ..... 773.11<br>2. Mining within Bonded Area ..... 773.11<br>3. Terms & Conditions of Permit ..... 773.17<br>4. Liability Insurance ..... 800.60<br>5. Ownership and Control ..... 778.13<br>6. Temporary Cessation ..... §42.11(e) & §16/§17.131<br>7. AML Rec. Fees -- Non-Respondent ..... §70.15(b)<br>8. AML Rec. Fees -- Failure to Pay ..... §70.15(a)<br><b>B. Hydrologic Balance</b> ..... (§16/§17.41-57)<br>1. Drainage Control ..... 45<br>2. Inspections & Certifications ..... 49(a)(10)<br>3. Siltation Structures ..... 46<br>4. Discharge Structures ..... 47<br>5. Diversions ..... 43<br>6. Effluent Limits ..... 42<br>7. Ground Water Monitoring ..... 41(c)<br>8. Surface Water Monitoring ..... 41(e)<br>9. Drainage--Acid-Toxic Materials ..... 41(f)<br>10. Impoundments ..... 49<br>11. Stream Buffer Zones ..... 57<br><b>C. Topsoil &amp; Subsoil</b> ..... (§16/§17.22)<br>1. Removal ..... 22(a)<br>2. Substitute Materials ..... 22(c)<br>3. Storage and Protection ..... 22(c)<br>4. Redistribution ..... 22(d)<br><b>D. Backfilling &amp; Grading</b> ..... §16/§17.95-107<br>1. Exposed Openings ..... §16/§17.13, 14, 15, & §23.11 & 21<br>2. Contemporaneous Reclamation ..... 100<br>3. Approximate Original Contour ..... 102(a)(1)<br>4. Highwall Elimination ..... 102(a)(2)<br>5. Steep Slopes (includes downslope) ..... 107<br>6. Handling of Acid & Toxic Materials ..... 102(c)<br>7. Stabilization (rills and gullies) ..... 95(b) | <b>E. Excess Spoil Disposal</b> ..... (§16/§17.71-74)<br>1. Placement ..... 71(e)<br>2. Drainage Control ..... 71(f)<br>3. Surface Stabilization ..... 71(g)<br>4. Inspections & Certifications ..... 71(h)<br><b>F. Coal Mine Waste (Refuse Piles/Impoundments)</b> ..... §16/§17.81-84<br>1. Drainage Control ..... 83(a)<br>2. Surface Stabilization ..... 83(b)<br>3. Placement ..... 83(c)<br>4. Inspections and Certifications ..... 83(d)<br>5. Impounding Structures ..... 84<br><b>G. Use of Explosives</b> ..... (§16/§17.61-68)<br>1. Blaster Certification ..... 61(c)<br>2. Distance Prohibitions ..... 61(d)<br>3. Blast Survey/Schedule ..... 62-64<br>4. Warnings & Records ..... 66 & 68<br>5. Control of Adverse Effects ..... 67<br><b>H. Subsidence Control Plan</b> ..... (§17.121-122)<br><b>I. Roads</b> ..... (§16/§17.150-151)<br>1. Road Construction ..... 150(c)<br>2. Certification ..... 151(a)<br>3. Drainage ..... 150(b)-151(d)<br>4. Surfacing and Maintenance ..... 150(e)-151(f)<br>5. Reclamation ..... 150(f)<br><b>J. Signs &amp; Markers</b> ..... §16/§17.11<br>1. Signs ..... 11(a),(b),(c)<br>2. Markers ..... 11(a),(b),(d),(e),(f)<br><b>K. Distance Prohibitions</b> ..... (761.11)<br><b>L. Revegetation</b> ..... (§16/§17.111-116)<br>1. Vegetative Cover ..... 111 & 116<br>2. Timing ..... 113<br><b>M. Postmining Land Use</b> ..... (§16/§17.133) |

**U.S. DEPT. OF THE INTERIOR  
OFFICE OF SURFACE MINING  
Mine Site Evaluation**

|   |                                |                                      |                                    |
|---|--------------------------------|--------------------------------------|------------------------------------|
| Permittee/<br>Person <b>ALPHA COAL WEST INC</b> | Permit<br>Number <b>214-T7</b> | Field Visit<br>Date <b>1/21/2016</b> | State Program<br>Continuation Page |
|---|--------------------------------|--------------------------------------|------------------------------------|

| <p>A. Specific State Law/Regulations Violated: <b>WY DEQ Coal Rules, Chapter 12, Section 2(b)</b></p> <p>B. Description: <b>The Belle Ayr Mine does not have sufficient reclamation performance bond in place to assure the faithful performance of all requirements of the Act rules and regulations.</b></p> <p>C. Performance Standard: <b>AN</b>      D. Abated (Y/N): <b>N</b></p> <p>E. OSM Action: <b>2</b>      F. OSM Action Number: <b>X16-010-549-008</b>      Viol#: <b>01</b></p> <p>G. Optional:      H. Any Off-Site Impacts (Y/N): <b>N</b></p> <p>I. Latitude: <b>0450606</b>      J. Longitude: <b>1052409</b>      K. Elevation: <b></b></p> | <p align="center"><b>L. Off-Site Impacts</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th></th> <th>People</th> <th>Land</th> <th>Water</th> <th>Structures</th> </tr> <tr> <td>Blasting</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Stability</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Hydrology</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Encroachment</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Other</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table> |                          | People                   | Land                     | Water | Structures | Blasting | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Stability | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Hydrology | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Encroachment | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Other | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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|   | People  | Land                     | Water                    | Structures               |       |            |          |                          |                          |                          |                          |           |                          |                          |                          |                          |           |                          |                          |                          |                          |              |                          |                          |                          |                          |       |                          |                          |                          |                          |
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| <p>A. Specific State Law/Regulations Violated: <b></b></p> <p>B. Description: <b></b></p> <p>C. Performance Standard: <b></b>      D. Abated (Y/N): <b></b></p> <p>E. OSM Action: <b></b>      F. OSM Action Number: <b></b>      Viol#: <b></b></p> <p>G. Optional:      H. Any Off-Site Impacts (Y/N): <b></b></p> <p>I. Latitude: <b></b>      J. Longitude: <b></b>      K. Elevation: <b></b></p> | <p align="center"><b>L. Off-Site Impacts</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th></th> <th>People</th> <th>Land</th> <th>Water</th> <th>Structures</th> </tr> <tr> <td>Blasting</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Stability</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Hydrology</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Encroachment</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Other</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table> |                          | People                   | Land                     | Water | Structures | Blasting | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Stability | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Hydrology | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Encroachment | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Other | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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| Hydrology  | <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |       |            |          |                          |                          |                          |                          |           |                          |                          |                          |                          |           |                          |                          |                          |                          |              |                          |                          |                          |                          |       |                          |                          |                          |                          |
| Encroachment   | <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |       |            |          |                          |                          |                          |                          |           |                          |                          |                          |                          |           |                          |                          |                          |                          |              |                          |                          |                          |                          |       |                          |                          |                          |                          |
| Other  | <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |       |            |          |                          |                          |                          |                          |           |                          |                          |                          |                          |           |                          |                          |                          |                          |              |                          |                          |                          |                          |       |                          |                          |                          |                          |

UNITED STATES DEPARTMENT OF THE INTERIOR  
Office of Surface Mining  
Reclamation and Enforcement

**TEN-DAY NOTICE**

Number X16-010-549-008

TV 1

Originating Office: Casper Field Office  
US DOI, Office of Surface Mining  
100 East "B" Street  
Federal Building - Room 2128  
Casper, WY 82601-1918

Telephone Number: (307) 261-6541

Ten-Day Notice to the State of **Wyoming**

You are notified that, as a result of Federal Inspection (e.g. a federal inspection, citizen information, etc.) the Secretary has reason to believe that the person described below is in violation of the Act or a permit condition required by the Act. If the State Regulatory Authority fails within ten days after receipt of this notice to take appropriate action to cause the violation(s) described herein to be corrected, or to show cause for such failure and transmit notice of your action to the Secretary through the originating office designated above, then a Federal inspection of the surface coal mining operation at which the alleged violation(s) is occurring will be conducted and appropriate enforcement action as required by Section 521(a)(1) of the Act will be taken.

Permittee: ALPHA COAL WEST INC  
(Or Operator if No Permit)

County: CAMPBELL

☒ Surface

Mailing Address: PO BOX 3039, , GILLETTE, WY 827173039

☐ Underground

Permit Number: 214-T7

Mine Name: BELLE AYR MINE

☒ Other

**01 NATURE OF VIOLATION AND LOCATION:**

The Belle Ayr Mine does not have sufficient reclamation performance bond in place to assure the faithful performance of all requirements of the Act rules and regulations.

Section of State Law, Regulation or Permit WY DEQ Coal Rules, Chapter 12,  
Condition believed to have been violated: Section 2(b)

**NATURE OF VIOLATION AND LOCATION:**

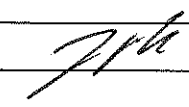
Section of State Law, Regulation or Permit  
Condition believed to have been violated:

**NATURE OF VIOLATION AND LOCATION:**

Section of State Law, Regulation or Permit  
Condition believed to have been violated:

Remarks or Recommendations:

Date of Notice: 01/21/2016

Signature of Authorized Rep.: 

Print Name and ID: Frank Bartlett ID# 549



U.S. DEPT. OF THE INTERIOR  
OFFICE OF SURFACE MINING  
Mine Site Evaluation  
State Program



|   |  |   |                                |
|---|--|---|--------------------------------|
| <b>1. Permittee/Person</b><br>ALPHA COAL WEST INC   |  | <b>9. Permit Number</b><br>428-T6   | <b>10. Permit Type</b><br>PP   |
| <b>2. Address</b><br>PO BOX 3039  |  | <b>11. Field Visit Date</b><br>1/21/2016  | <b>12. Purpose</b><br>FT       |
| <b>3. City</b><br>GILLETTE  |  | <b>13. SRA Present</b><br>N   |                                |
| <b>4. State</b><br>WY   |  | <b>14. Permit Status</b><br>A   | <b>15. Site Status</b><br>AP   |
| <b>5. Zip Code</b><br>827173039   |  | <b>16. Facility Type</b><br>ADFG  |                                |
| <b>6. Phone Number</b><br>(307) 687-3400  |  | <b>17. OSM Office #</b><br>010  | <b>18. CCID #</b><br>          |
| <b>7. Operator Name, if Different than Permittee</b><br>  |  | <b>19. Land Code</b><br>SF  |                                |
| <b>8. Mine Name</b><br>EAGLE BUTTE MINE   |  | <b>20. M.S.H.A. ID #</b><br>48-01078  | <b>21. State Abbrev.</b><br>WY |
|   |  | <b>22. County/Burrough</b><br>CAMPBELL  |                                |
|   |  | <b>23. AVS Permittee Entity ID Number</b><br>249464   | <b>24. State Office</b><br>    |
| <b>25. Hours</b><br>1.0 a. Permit Review<br>0.0 b. Site Visit Time<br>0.0 c. Travel Time<br>2.0 d. Report Writing |  | <b>26. Signature Block</b><br>Signature:<br>Frank Bartlett, ID#549<br>Printed Name:<br>Date: 1/21/2016        |                                |
|   |  | <b>27. Reviewing Official:</b><br>Signature:<br>Review Date: 1-21-2016<br>Is Supplemental MSE Page Used Y/N Y |                                |

Permit Type - Item 10 IP = Interim Program PP = Permanent Program NP = No Permit

Purpose Type Codes - Item 12  
Oxx...Oversight  
Axx...Assistance

RFx...Reclamation Fees  
Fxx...Federal Actions

CCR...Citizen Complaint Referral (non-site visit)  
CC...Citizen Complaint (initial site visit)  
CCF...Assistance

Joint Inspection - Item 13 A joint inspection is when a state inspector accompanies an OSM inspector at any time during the review of the mine site

Permit Status - Item 14  
A Active: Coal mining activities occurring or permitted but not yet disturbed.  
IN Inactive (Permanent Program Permit): Phase II completed or Temporary Cessation of Operations. (Interim Program Permit): Coal mining completed and reclamation activities initiated.  
BR Bond Release: Reclamation completed and State Regulatory Authority(RA) has released all of the bond (Phase III Release).

AB Abandoned: All surface and underground coal mining activities have ceased and operator has left the site without completing reclamation as defined in 30 CFR 840.11(g).  
AB1 Bond Forfeiture: Bond forfeiture officially in process or completed and reclamation in progress or not yet commenced.  
AB2 Partially Reclaimed Forfeiture: Forfeited site where all bonds have been used to reclaim site, but site not reclaimed to Program standards.  
AB3 Reclaimed Forfeiture: Forfeited site that has been reclaimed to Program standards.  
NA Not Applicable: When site is unpermitted.

Site Status - Item 15  
ND No Disturbance: No coal mining and reclamation operations have been started.  
EX Coal Exploration: Coal exploration operations have started and where coal mining operations have not begun.  
AP Active Coal Producing: Coal surface mining activities are occurring.  
AN Active Non-Producing: Active non-producing facility such as tippie or preparation plant.  
NM No Mining: The Permit Status is active, site is not in Temporary Cessation, no surface coal mining activity, and site not regraded.

MC Mining Complete: No mining activity on site, site regraded and awaiting bond release.  
TC Temporary Cessation: The RA has granted cessation of mining pursuant to 30 CFR 816/817.13(b).  
P1 Phase I Release: At least Phase I bond release granted for entire permitted area. For interim permits, partial bond release.  
P2 Phase II Release: At least Phase II bond release for the entire permitted area.  
P3 Phase III Release: Reclamation completed and the RA has released all bond.

NS Non-Site Visit: Status of site not determined.  
FP Forfeiture Pending: The RA is pursuing actions to revoke the permit, collect the performance bond(s), and/or reclamation of forfeited site is in progress.  
FR Forfeited and Reclaimed: Forfeiture reclamation completed.  
FO Abandoned Site: Abandoned site that is permitted but there is no bond.  
WC Wildcat: Coal mining and reclamation operations have or are taking place and the activity is not covered by the required permits from the RA.

Facility Type Codes - Item 16  
D...Ancillary (Haulroad, Conveyor, and/or Rails)  
E...Refuse and/or Impoundment  
F...Loading Facility and/or Tipple  
G...Stockpiles  
A...Surface  
B...Underground  
C...Preparation Plant  
H...Exploration Permits  
I...Notice of Intent to Explore  
J...Exempt 16 and 2/3  
K...Government Financed Construction Exemption  
L...Remining site permitted under 30 CFR 785.25

Small Business Regulatory Enforcement Fairness Act (SBREFA)  
Your Comments are Important

The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you are a small business (a business with 500 or fewer employees including those of affiliates) and wish to comment on the enforcement or compliance activities of OSM, call 1-888-REG-FAIR (1-888-734-3247).

Page 1

**U.S. DEPT. OF THE INTERIOR  
OFFICE OF SURFACE MINING  
Mine Site Evaluation**

|  |   |   |                                    |
|--|---|---|------------------------------------|
| Permittee/<br>Person <span style="border: 1px solid black; padding: 2px;">ALPHA COAL WEST INC</span> | Permit<br>Number <span style="border: 1px solid black; padding: 2px;">428-T6</span> | Field Visit<br>Date <span style="border: 1px solid black; padding: 2px;">1/21/2016</span> | State Program<br>Continuation Page |
|--|---|---|------------------------------------|

## 28. Performance Standard Categories

Codes: 1=Compliance, 2=Noncompliance, 3=Not Planned, 4=Not Started, 5=Noncompliance Identified Elsewhere, 6=Previously Cited, 7=Permit Defect

|  |   |   |
|--|---|---|
| <b>A. Administrative</b><br>1. <input type="checkbox"/> Mining within Valid Permit<br>2. <input type="checkbox"/> Mining within Bonded Area<br>3. <input type="checkbox"/> Terms & Conditions of Permit<br>4. <input type="checkbox"/> Liability Insurance<br>5. <input type="checkbox"/> Ownership and Control<br>6. <input type="checkbox"/> Temporary Cessation<br>7. <input type="checkbox"/> AML Rec. Fees - Non-Respondent<br>8. <input type="checkbox"/> AML Rec. Fees - Failure to Pay<br><br><b>B. Hydrologic Balance</b><br>1. <input type="checkbox"/> Drainage Control<br>2. <input type="checkbox"/> Inspections & Certifications<br>3. <input type="checkbox"/> Siltation Structures<br>4. <input type="checkbox"/> Discharge Structures<br>5. <input type="checkbox"/> Diversions<br>6. <input type="checkbox"/> Effluent Limits<br>7. <input type="checkbox"/> Ground Water Monitoring<br>8. <input type="checkbox"/> Surface Water Monitoring<br>9. <input type="checkbox"/> Drainage - Acid-Toxic Materials<br>10. <input type="checkbox"/> Impoundments<br>11. <input type="checkbox"/> Stream Buffer Zones<br><br><b>C. Topsoil &amp; Subsoil</b><br>1. <input type="checkbox"/> Removal<br>2. <input type="checkbox"/> Substitute Materials<br>3. <input type="checkbox"/> Storage and Protection<br>4. <input type="checkbox"/> Redistribution | <b>D. Backfilling &amp; Grading</b><br>1. <input type="checkbox"/> Exposed Openings<br>2. <input type="checkbox"/> Contemporaneous Reclamation<br>3. <input type="checkbox"/> Approximate Original Contour<br>4. <input type="checkbox"/> Highwall Elimination<br>5. <input type="checkbox"/> Steep Slopes (includes downslope)<br>6. <input type="checkbox"/> Handling of Acid and Toxic Materials<br>7. <input type="checkbox"/> Stabilization (fills and gullies)<br><br><b>E. Excess Spoil Disposal</b><br>1. <input type="checkbox"/> Placement<br>2. <input type="checkbox"/> Drainage Control<br>3. <input type="checkbox"/> Surface Stabilization<br>4. <input type="checkbox"/> Inspections & Certifications<br><br><b>F. Coal Mine Waste (Refuse Piles/Impoundments)</b><br>1. <input type="checkbox"/> Drainage Control<br>2. <input type="checkbox"/> Surface Stabilization<br>3. <input type="checkbox"/> Placement<br>4. <input type="checkbox"/> Inspections & Certifications<br>5. <input type="checkbox"/> Impounding Structures<br><br><b>G. Use of Explosives</b><br>1. <input type="checkbox"/> Blaster Certification<br>2. <input type="checkbox"/> Distance Prohibitions<br>3. <input type="checkbox"/> Blast Survey/Schedule<br>4. <input type="checkbox"/> Warnings & Records<br>5. <input type="checkbox"/> Control of Adverse Effects | <b>H. <input type="checkbox"/> Subsidence Control Plan</b><br><br><b>I. Roads</b><br>1. <input type="checkbox"/> Road Construction<br>2. <input type="checkbox"/> Certification<br>3. <input type="checkbox"/> Drainage<br>4. <input type="checkbox"/> Surfacing and Maintenance<br>5. <input type="checkbox"/> Reclamation<br><br><b>J. Signs &amp; Markers</b><br>1. <input type="checkbox"/> Signs<br>2. <input type="checkbox"/> Markers<br><br><b>K. <input type="checkbox"/> Distance Prohibitions</b><br><br><b>L. Revegetation</b><br>1. <input type="checkbox"/> Vegetative Cover<br>2. <input type="checkbox"/> Timing<br><br><b>M. <input type="checkbox"/> Postmining Land Use</b><br><br><b>N. Other</b><br>General Performance Category |
|--|---|---|

| Performance Standard Categories<br>30 CFR Counterparts  |  |
|---|--|
| <b>A. Administrative</b> .....<br>1. Valid Permit ..... 773.11<br>2. Mining within Bonded Area ..... 773.11<br>3. Terms & Conditions of Permit ..... 773.17<br>4. Liability Insurance ..... 800.60<br>5. Ownership and Control ..... 778.13<br>6. Temporary Cessation ..... 842.11(e) & 816/817.131<br>7. AML Rec. Fees - Non-Respondent ..... 870.15(b)<br>8. AML Rec. Fees - Failure to Pay ..... 870.15(a)<br><b>B. Hydrologic Balance</b> ..... (816/817.41-57)<br>1. Drainage Control ..... 45<br>2. Inspections & Certifications ..... 49(a)(10)<br>3. Siltation Structures ..... 46<br>4. Discharge Structures ..... 47<br>5. Diversions ..... 43<br>6. Effluent Limits ..... 42<br>7. Ground Water Monitoring ..... 41(c)<br>8. Surface Water Monitoring ..... 41(e)<br>9. Drainage - Acid - Toxic Materials ..... 41(f)<br>10. Impoundments ..... 49<br>11. Stream Buffer Zones ..... 57<br><b>C. Topsoil &amp; Subsoil</b> ..... (816/817.22)<br>1. Removal ..... 22(a)<br>2. Substitute Materials ..... 22(c)<br>3. Storage and Protection ..... 22(c)<br>4. Redistribution ..... 22(d)<br><b>D. Backfilling &amp; Grading</b> ..... 816/817.95-107<br>1. Exposed Openings ..... 816/817.13, 14, 15, & 823.11 & 21<br>2. Contemporaneous Reclamation ..... 100<br>3. Approximate Original Contour ..... 102(a)(1)<br>4. Highwall Elimination ..... 102(a)(2)<br>5. Steep Slopes (includes downslope) ..... 107<br>6. Handling of Acid & Toxic Materials ..... 102(c)<br>7. Stabilization (fills and gullies) ..... 95(b) | <b>E. Excess Spoil Disposal</b> ..... (816/817.71-74)<br>1. Placement ..... 71(e)<br>2. Drainage Control ..... 71(f)<br>3. Surface Stabilization ..... 71(g)<br>4. Inspections & Certifications ..... 71(h)<br><b>F. Coal Mine Waste (Refuse Piles/Impoundments)</b> ..... 816/817.81-84<br>1. Drainage Control ..... 83(a)<br>2. Surface Stabilization ..... 83(b)<br>3. Placement ..... 83(c)<br>4. Inspections and Certifications ..... 83(d)<br>5. Impounding Structures ..... 84<br><b>G. Use of Explosives</b> ..... (816/817.61-68)<br>1. Blaster Certification ..... 61(c)<br>2. Distance Prohibitions ..... 61(d)<br>3. Blast Survey/Schedule ..... 62-64<br>4. Warnings & Records ..... 66 & 68<br>5. Control of Adverse Effects ..... 67<br><b>H. Subsidence Control Plan</b> ..... (817.121-122)<br><b>I. Roads</b> ..... (816/817.150-151)<br>1. Road Construction ..... 150(c)<br>2. Certification ..... 151(a)<br>3. Drainage ..... 150(b)-151(d)<br>4. Surfacing and Maintenance ..... 150(e)-151(d)<br>5. Reclamation ..... 150(f)<br><b>J. Signs &amp; Markers</b> ..... 816/817.11<br>1. Signs ..... 11(a),(b),(c)<br>2. Markers ..... 11(a),(b),(d),(e),(f)<br><b>K. Distance Prohibitions</b> ..... (761.11)<br><b>L. Revegetation</b> ..... (816/817.111-116)<br>1. Vegetative Cover ..... 111 & 116<br>2. Timing ..... 113<br><b>M. Postmining Land Use</b> ..... (816/817.133) |

**U.S. DEPT. OF THE INTERIOR  
OFFICE OF SURFACE MINING  
Mine Site Evaluation**

|  |   |   |                                    |
|--|---|---|------------------------------------|
| Permittee/<br>Person <span style="border: 1px solid black; padding: 2px;">ALPIA COAL WEST INC</span> | Permit<br>Number <span style="border: 1px solid black; padding: 2px;">428-T6</span> | Field Visit<br>Date <span style="border: 1px solid black; padding: 2px;">1/21/2016</span> | State Program<br>Continuation Page |
|--|---|---|------------------------------------|

| A. Specific State Law/Regulations Violated: <span style="border: 1px solid black; padding: 2px;">WYDEQ Coal Rules, Chapter 12, Section 2(b)</span><br>B. Description: <span style="border: 1px solid black; padding: 2px;">The Eagle Butte Mine does not have sufficient reclamation performance bond in place to assure the faithful performance of all requirements of the Act, rules and regulations.</span><br>C. Performance Standard: <span style="border: 1px solid black; padding: 2px;">AN</span> D. Abated (Y/N): <span style="border: 1px solid black; padding: 2px;">N</span><br>E. OSM Action: <span style="border: 1px solid black; padding: 2px;">2</span> F. OSM Action Number: <span style="border: 1px solid black; padding: 2px;">X16-010-549-009</span> Viol#: <span style="border: 1px solid black; padding: 2px;">01</span><br>G. Optional:      H. Any Off-Site Impacts (Y/N): <span style="border: 1px solid black; padding: 2px;">N</span><br>I. Latitude: <span style="border: 1px solid black; padding: 2px;">0442222</span> J. Longitude: <span style="border: 1px solid black; padding: 2px;">1053105</span> K. Elevation: <span style="border: 1px solid black; padding: 2px;"></span> | <b>L. Off-Site Impacts</b><br><table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th></th> <th>People</th> <th>Land</th> <th>Water</th> <th>Structures</th> </tr> <tr> <td>Blasting</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Stability</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Hydrology</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Encroachment</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Other</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table> |                          | People                   | Land                     | Water | Structures | Blasting | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Stability | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Hydrology | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Encroachment | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Other | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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|  | People   | Land                     | Water                    | Structures               |       |            |          |                          |                          |                          |                          |           |                          |                          |                          |                          |           |                          |                          |                          |                          |              |                          |                          |                          |                          |       |                          |                          |                          |                          |
| Blasting   | <input type="checkbox"/>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |       |            |          |                          |                          |                          |                          |           |                          |                          |                          |                          |           |                          |                          |                          |                          |              |                          |                          |                          |                          |       |                          |                          |                          |                          |
| Stability  | <input type="checkbox"/>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |       |            |          |                          |                          |                          |                          |           |                          |                          |                          |                          |           |                          |                          |                          |                          |              |                          |                          |                          |                          |       |                          |                          |                          |                          |
| Hydrology  | <input type="checkbox"/>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |       |            |          |                          |                          |                          |                          |           |                          |                          |                          |                          |           |                          |                          |                          |                          |              |                          |                          |                          |                          |       |                          |                          |                          |                          |
| Encroachment   | <input type="checkbox"/>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |       |            |          |                          |                          |                          |                          |           |                          |                          |                          |                          |           |                          |                          |                          |                          |              |                          |                          |                          |                          |       |                          |                          |                          |                          |
| Other  | <input type="checkbox"/>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |       |            |          |                          |                          |                          |                          |           |                          |                          |                          |                          |           |                          |                          |                          |                          |              |                          |                          |                          |                          |       |                          |                          |                          |                          |

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|---|--|--------------------------|--------------------------|--------------------------|-------|------------|----------|--------------------------|--------------------------|--------------------------|--------------------------|-----------|--------------------------|--------------------------|--------------------------|--------------------------|-----------|--------------------------|--------------------------|--------------------------|--------------------------|--------------|--------------------------|--------------------------|--------------------------|--------------------------|-------|--------------------------|--------------------------|--------------------------|--------------------------|
|   | People   | Land                     | Water                    | Structures               |       |            |          |                          |                          |                          |                          |           |                          |                          |                          |                          |           |                          |                          |                          |                          |              |                          |                          |                          |                          |       |                          |                          |                          |                          |
| Blasting  | <input type="checkbox"/>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |       |            |          |                          |                          |                          |                          |           |                          |                          |                          |                          |           |                          |                          |                          |                          |              |                          |                          |                          |                          |       |                          |                          |                          |                          |
| Stability   | <input type="checkbox"/>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |       |            |          |                          |                          |                          |                          |           |                          |                          |                          |                          |           |                          |                          |                          |                          |              |                          |                          |                          |                          |       |                          |                          |                          |                          |
| Hydrology   | <input type="checkbox"/>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |       |            |          |                          |                          |                          |                          |           |                          |                          |                          |                          |           |                          |                          |                          |                          |              |                          |                          |                          |                          |       |                          |                          |                          |                          |
| Encroachment  | <input type="checkbox"/>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |       |            |          |                          |                          |                          |                          |           |                          |                          |                          |                          |           |                          |                          |                          |                          |              |                          |                          |                          |                          |       |                          |                          |                          |                          |
| Other   | <input type="checkbox"/>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |       |            |          |                          |                          |                          |                          |           |                          |                          |                          |                          |           |                          |                          |                          |                          |              |                          |                          |                          |                          |       |                          |                          |                          |                          |

| A. Specific State Law/Regulations Violated: <span style="border: 1px solid black; padding: 2px;"></span><br>B. Description: <span style="border: 1px solid black; padding: 2px;"></span><br>C. Performance Standard: <span style="border: 1px solid black; padding: 2px;"></span> D. Abated (Y/N): <span style="border: 1px solid black; padding: 2px;"></span><br>E. OSM Action: <span style="border: 1px solid black; padding: 2px;"></span> F. OSM Action Number: <span style="border: 1px solid black; padding: 2px;"></span> Viol#: <span style="border: 1px solid black; padding: 2px;"></span><br>G. Optional:      H. Any Off-Site Impacts (Y/N): <span style="border: 1px solid black; padding: 2px;"></span><br>I. Latitude: <span style="border: 1px solid black; padding: 2px;"></span> J. Longitude: <span style="border: 1px solid black; padding: 2px;"></span> K. Elevation: <span style="border: 1px solid black; padding: 2px;"></span> | <b>L. Off-Site Impacts</b><br><table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th></th> <th>People</th> <th>Land</th> <th>Water</th> <th>Structures</th> </tr> <tr> <td>Blasting</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Stability</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Hydrology</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Encroachment</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Other</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table> |                          | People                   | Land                     | Water | Structures | Blasting | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Stability | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Hydrology | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Encroachment | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Other | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|---|--|--------------------------|--------------------------|--------------------------|-------|------------|----------|--------------------------|--------------------------|--------------------------|--------------------------|-----------|--------------------------|--------------------------|--------------------------|--------------------------|-----------|--------------------------|--------------------------|--------------------------|--------------------------|--------------|--------------------------|--------------------------|--------------------------|--------------------------|-------|--------------------------|--------------------------|--------------------------|--------------------------|
|   | People   | Land                     | Water                    | Structures               |       |            |          |                          |                          |                          |                          |           |                          |                          |                          |                          |           |                          |                          |                          |                          |              |                          |                          |                          |                          |       |                          |                          |                          |                          |
| Blasting  | <input type="checkbox"/>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |       |            |          |                          |                          |                          |                          |           |                          |                          |                          |                          |           |                          |                          |                          |                          |              |                          |                          |                          |                          |       |                          |                          |                          |                          |
| Stability   | <input type="checkbox"/>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |       |            |          |                          |                          |                          |                          |           |                          |                          |                          |                          |           |                          |                          |                          |                          |              |                          |                          |                          |                          |       |                          |                          |                          |                          |
| Hydrology   | <input type="checkbox"/>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |       |            |          |                          |                          |                          |                          |           |                          |                          |                          |                          |           |                          |                          |                          |                          |              |                          |                          |                          |                          |       |                          |                          |                          |                          |
| Encroachment  | <input type="checkbox"/>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |       |            |          |                          |                          |                          |                          |           |                          |                          |                          |                          |           |                          |                          |                          |                          |              |                          |                          |                          |                          |       |                          |                          |                          |                          |
| Other   | <input type="checkbox"/>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |       |            |          |                          |                          |                          |                          |           |                          |                          |                          |                          |           |                          |                          |                          |                          |              |                          |                          |                          |                          |       |                          |                          |                          |                          |

| A. Specific State Law/Regulations Violated: <span style="border: 1px solid black; padding: 2px;"></span><br>B. Description: <span style="border: 1px solid black; padding: 2px;"></span><br>C. Performance Standard: <span style="border: 1px solid black; padding: 2px;"></span> D. Abated (Y/N): <span style="border: 1px solid black; padding: 2px;"></span><br>E. OSM Action: <span style="border: 1px solid black; padding: 2px;"></span> F. OSM Action Number: <span style="border: 1px solid black; padding: 2px;"></span> Viol#: <span style="border: 1px solid black; padding: 2px;"></span><br>G. Optional:      H. Any Off-Site Impacts (Y/N): <span style="border: 1px solid black; padding: 2px;"></span><br>I. Latitude: <span style="border: 1px solid black; padding: 2px;"></span> J. Longitude: <span style="border: 1px solid black; padding: 2px;"></span> K. Elevation: <span style="border: 1px solid black; padding: 2px;"></span> | <b>L. Off-Site Impacts</b><br><table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th></th> <th>People</th> <th>Land</th> <th>Water</th> <th>Structures</th> </tr> <tr> <td>Blasting</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Stability</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Hydrology</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Encroachment</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Other</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table> |                          | People                   | Land                     | Water | Structures | Blasting | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Stability | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Hydrology | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Encroachment | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Other | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|---|--|--------------------------|--------------------------|--------------------------|-------|------------|----------|--------------------------|--------------------------|--------------------------|--------------------------|-----------|--------------------------|--------------------------|--------------------------|--------------------------|-----------|--------------------------|--------------------------|--------------------------|--------------------------|--------------|--------------------------|--------------------------|--------------------------|--------------------------|-------|--------------------------|--------------------------|--------------------------|--------------------------|
|   | People   | Land                     | Water                    | Structures               |       |            |          |                          |                          |                          |                          |           |                          |                          |                          |                          |           |                          |                          |                          |                          |              |                          |                          |                          |                          |       |                          |                          |                          |                          |
| Blasting  | <input type="checkbox"/>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |       |            |          |                          |                          |                          |                          |           |                          |                          |                          |                          |           |                          |                          |                          |                          |              |                          |                          |                          |                          |       |                          |                          |                          |                          |
| Stability   | <input type="checkbox"/>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |       |            |          |                          |                          |                          |                          |           |                          |                          |                          |                          |           |                          |                          |                          |                          |              |                          |                          |                          |                          |       |                          |                          |                          |                          |
| Hydrology   | <input type="checkbox"/>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |       |            |          |                          |                          |                          |                          |           |                          |                          |                          |                          |           |                          |                          |                          |                          |              |                          |                          |                          |                          |       |                          |                          |                          |                          |
| Encroachment  | <input type="checkbox"/>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |       |            |          |                          |                          |                          |                          |           |                          |                          |                          |                          |           |                          |                          |                          |                          |              |                          |                          |                          |                          |       |                          |                          |                          |                          |
| Other   | <input type="checkbox"/>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |       |            |          |                          |                          |                          |                          |           |                          |                          |                          |                          |           |                          |                          |                          |                          |              |                          |                          |                          |                          |       |                          |                          |                          |                          |

UNITED STATES DEPARTMENT OF THE INTERIOR  
Office of Surface Mining  
Reclamation and Enforcement

**TEN-DAY NOTICE**

Number X16-010-549-009

TV 1

Originating Office: Casper Field Office

US DOI, Office of Surface Mining

100 East "B" Street

Federal Building - Room 2128

Casper, WY 82601-1918

Telephone Number: (307) 261-6541

Ten-Day Notice to the State of **Wyoming**

You are notified that, as a result of Federal Inspection (e.g. a federal inspection, citizen information, etc.) the Secretary has reason to believe that the person described below is in violation of the Act or a permit condition required by the Act. If the State Regulatory Authority fails within ten days after receipt of this notice to take appropriate action to cause the violation(s) described herein to be corrected, or to show cause for such failure and transmit notice of your action to the Secretary through the originating office designated above, then a Federal inspection of the surface coal mining operation at which the alleged violation(s) is occurring will be conducted and appropriate enforcement action as required by Section 521(a)(1) of the Act will be taken.

Permittee: ALPHA COAL WEST INC

(Or Operator if No Permit)

County: CAMPBELL

Mailing Address: PO BOX 3039, , GILLETTE, WY 827173039

Permit Number: 428-T6

Mine Name: EAGLE BUTTE MINE

☒ Surface

☐ Underground

☒ Other

**01 NATURE OF VIOLATION AND LOCATION:**

The Eagle Butte Mine does not have sufficient reclamation performance bond in place to assure the faithful performance of all requirements of the Act, rules and regulations.

Section of State Law, Regulation or Permit WYDEQ Coal Rules, Chapter 12,  
Condition believed to have been violated: Section 2(b)

**NATURE OF VIOLATION AND LOCATION:**

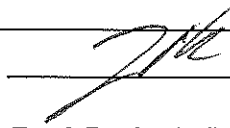
Section of State Law, Regulation or Permit  
Condition believed to have been violated:

**NATURE OF VIOLATION AND LOCATION:**

Section of State Law, Regulation or Permit  
Condition believed to have been violated:

Remarks or Recommendations:

Date of Notice: 01/21/2016

Signature of Authorized Rep.: 

Print Name and ID: Frank Bartlett ID# 549